

Fairness Aspect in the *Paroan* System in the Mangar Society

Martoyo¹, Abdul Jabbar²

Faculty of Sharia State Islamic University KH Achmad Siddiq Jember|
Mataram Street No. 1 Mangli Districts, Jember Regency 68136, East Java|
martoyo98@gmail.com

DOI: <https://doi.org/10.35719/ijlil.v5i2.333>

Abstract: *This research was conducted on the Mangar society who have a system of cooperation in the form of "paroan agreements" which can be categorized as creative in drafting and implementing agreements. The social system of the Mangar society is quite interesting to explore because in the midst of a very exploitative agricultural and livestock management system, the Mangar society remains consistent in upholding justice by placing the position of farm laborers in a balanced way both in terms of roles and the distribution of benefits from managing the farm. The research method used in this research is qualitative research or field research. The results of this study indicate: (1) The paroan agreement form of the Mangar society is an oral agreement; (2) Implementation of the paroan agreement begins with an agreement between the two parties, namely the land owner and the manager. Then the implementation starts from clearing the land to harvesting; (3) The meaning of justice in the paroan agreement can be seen from: first, equal opportunity to help each other and obtain welfare between the parties. Second, there is a balance of rights and obligations. Third, there is appreciation based on the principle of mutual need. Fourth, in the distribution of profits based on mutually agreed agreements.*

Keywords: Paroan Agreement, Mangar Society, Fairness.

Abstrak: Penelitian ini dilaksanakan terhadap masyarakat Manggar yang memiliki sistem kerjasama dalam bentuk perjanjian *paroan* yang dapat dikategorikan kreatif dalam menyusun dan melaksanakan perjanjian. Sistem sosial masyarakat Manggar ini cukup menarik untuk dieksplorasi sebab ditengah sistem pengelolaan lahan pertanian dan peternakan yang sangat eksploitatif, justru masyarakat manggar tetap konsisten membumikan keadilan dengan meletakkan posisi para buruh tani secara seimbang baik dari peran maupun pembagian keuntungan dari pengelolaan pertanian tersebut. Metode penelitian yang digunakan dalam penelitian adalah penelitian kualitatif (*field research*). Hasil dari penelitian ini menunjukkan: (1) Bentuk perjanjian paroan masyarakat Manggar yaitu perjanjian secara lisan; (2) Pelaksanaan perjanjian paroan dimulai dengan adanya kesepakatan diantara kedua pihak yaitu pemilik lahan dan pengelola. Kemudian pelaksanaan yang dimulai dari pembersihan lahan hingga panen; (3) Makna keadilan dalam perjanjian paroan dapat dilihat dari: pertama, kesempatan yang sama untuk saling membantu dan memperoleh kesejahteraan diantara para pihak. Kedua, terdapat keseimbangan hak dan kewajiban. Ketiga, terdapat penghargaan berdasarkan asas saling membutuhkan. Keempat, dalam pembagian keuntungan berdasarkan kesepakatan yang telah disepakati bersama.

Kata Kunci: Perjanjian Paroan, Masyarakat Manggar, Keadilan.

Introduction

One of social dynamics faced by farmers is that they have a little capital and is insufficient to run a business productively, but there is a desire to help other people who are less well off (don't have capital) by giving some or all of their capital to managed by other people who need work. On the other hand, there are people who have the expertise and ability to manage productively yet do not have the business capital to manage. Therefore, cooperation is needed between parties who have capital and parties who have the ability and

INDONESIAN JOURNAL OF LAW AND ISLAMIC LAW (IJLIL)

Volume 5 Nomor 2 Juli-Desember 2023;

ISSN 2721-5261 E-ISSN 2775-460X



Indonesian Journal of Law and Islamic Law (IJLIL) is licensed under a [Creative Commons Attribution-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-sa/4.0/)

business expertise so that the two can work together. help and mutually benefit each other productively in their economic activities.¹

In addition to providing benefits to the farmers who collaborate, there are also things that need to be taken into account in the agreement that has been mutually agreed upon between the two: implementation, rights, obligations and distribution of agricultural products which have been regulated in such a way in Islamic law, even in positive law in Indonesia. In Islamic law itself, there have been many mentions in fiqh books regarding agricultural systems such as forms of cooperation in agriculture known as *muzaraah*, *mukhabarah*, and *musaqah* which regulate the concept of cooperation in the agricultural sector which emphasizes the rights and obligations of farmers who carry out such cooperation.²

This collaborative activity contains various problems faced by the community in establishing cooperative relationships, not all of which run in accordance with the applicable legal rules and provisions, both according to Islamic law as mentioned above, and according to the law in force in Indonesia, namely Constitution. One example is in terms of agreements in carrying out cooperative relations between one another. Furthermore, it is regulated in Article 1313 and Article 1338 of the Civil Code which confirms the provisions of an agreement that has been made between a person implementing the agreement.³

An agreement should be established in writing by the parties executing the agreement, accompanied by the signatures of witnesses. This is because the existence of an agreement or contract is considered necessary as written proof of the existence of an agreement and at the same time to bind the parties to the agreement to fulfill the contents of the agreement. In this regard, basically in an agreement there is a need for legal certainty in order to carry out the agreement, which also aims to anticipate the occurrence of problems that will occur in the future as a result of the agreement. Although agreements are not required to be made in writing, unless the form has been stipulated, they must be in writing by applicable laws and regulations.

Agreements made verbally/unwritten remain valid and remain binding between both parties, and do not eliminate either the rights or obligations of the parties to the agreement. The purpose of making a written agreement is to make it easier to prove, reference cooperation, carry out transactions, it is best to do it in writing, because unwritten agreements are weaker than written agreements, especially in terms of proof.⁴ This means that when there is a difference of opinion between the two parties, there is a reference, namely a written agreement that has been mutually agreed upon.⁵ One example of this agreement is an agreement regarding land exploitation. A land management agreement is usually referred to as a production sharing agreement, which aims to share the results of land management between the owner and the tenant which refers to the principles of justice and can guarantee a proper legal position for the parties, through affirming the obligations and rights between the two parties involved.⁶

In the social system of the Mangar community in Pancor Village, Gayam District, Sumenep Regency, the population growth rate is relatively increasing, while the available

¹ Jusuf Susanto, *Revitalisasi Pertanian Dan Dialog Peradaban* (Jakarta: Kompas, 2006), 693.

² Dias Rizqi Wardani and Siti Inayatul Faizah, "Kesejahteraan Petani Penggarap Sawah Pada Penerapan Akad Muzara'ah Dengan Pendekatan Maqashid Syari'ah di Tulungagung," *Jurnal Ekonomi Syariah Teori dan Terapan* 6, no. 7 (January 17, 2020): 1450, <https://doi.org/10.20473/vol6iss20197pp1450-1461>.

³ *Kitab Undang-Undang Hukum Perdata*, 297, 301.

⁴ I Wayan Agus Vijayantera, "Kajian Hukum Perdata Terhadap Penggunaan Perjanjian Tidak Tertulis dalam Kegiatan Bisnis," *Jurnal Komunikasi Hukum (JKH)* 6, no. 1 (February 15, 2020): 115, <https://doi.org/10.23887/jkh.v6i1.23445>.

⁵ R. Subekti, *Pokok-Pokok Hukum Perdata* (Jakarta: Intermasa, 1991), 14.

⁶ Undang-Undang Nomor 2 Tahun 1960 tentang Perjanjian Bagi Hasil.

agricultural land is constant to increasingly lessen. This is since the land is used for settlements, village expansion and other buildings. People who do not have agricultural land must manage agricultural businesses on land belonging to other people, to meet their living needs. The management of agricultural land is based on a production sharing agreement that has been agreed between the land owner and the manager.

The Mangar community's cooperation system in the agricultural sector, especially what is known as the paroan agreement, is recommended to be creative in drafting and implementing agreements. The agreement system, built by the Mangar community in agricultural business areas, not only embodies business interests but is also an implementation of religious teachings in everyday life. Farmers do not dominate the cultivation of their agricultural land but provide opportunities for farm workers to take part in managing some of the land owned by farmers. In fact, this also happens in the livestock sector: breeders provide opportunities for those who do not have livestock to take part in raising livestock using the paroan system, so that in the end they have livestock to utilize as capital to raise livestock independently.

The social system of the Manggar community is interesting to explore, because in the midst of a very exploitative agricultural and livestock land management system, the Manggar community consistently maintains justice by placing the position of farm workers in a balanced manner both in terms of roles and distribution of profits from agricultural management. In connection with the background description, the problems that will be studied by researchers in this case are: first, regarding the form and implementation of the Mangar Community Paroan Agreement, Pancor Village, Gayam District, Sumenep Regency. Second, related to the manifestation of the principles of justice contained in the Paroan agreement of the Mangar Community, Pancor Village, Gayam District, Sumenep Regency.

Furthermore, there are several previous studies as a differentiator to show the originality of this research, namely: First, research conducted by Dina Haryati with the title "The Influence of the Profit Sharing System on the Welfare of Rubber Plantation Farming Communities (Case Study in Galang Tinggi Village, Banyuasin III District)" which discussed the effect of the profit sharing system on the welfare of the people of Galang Tinggi Village which reached 92.8%, but there were still shortcomings where public awareness of the law was still low, as evidenced by the making of agreements which were only undertaken verbally.⁷ Second, research by Waridatul Abror and Shofiyun Nahidloh with the title "Practice of the Paroan System among Shallot Farmers in the Muamalah Fiqh Perspective in East Dempo Village, Pasean District, Pamekasan Regency" which examines the implementation of the paroan system which is carried out verbally and the system of distributing harvests in the form of sacks and money.⁸ Third, research by Sri Ayudia Permata, Romi Adetio Setiawan and Esti Alfiah with the title "Implementation of the Paroan (Profit Sharing) System on Rubber Plantations in an Islamic Economic Perspective" which explains the implementation of the paroan system in the context of rubber plantations, where the implementation of this system has an impact positive for the welfare of society, but the legal aspect is still unclear in providing protection to the parties involved.⁹ Fourth, research by Auliya Safira Putri, Dyah Ochtorina Susanti and Rahmadi Indra Tektona entitled "Characteristics of Mukhabarah bil

⁷ Dina Haryati, "Pengaruh Sistem Bagi Hasil Terhadap Kesejahteraan Masyarakat Petani Kebun Karet (Studi Kasus di Desa Galang Tinggi Kecamatan Banyuasin III)," *Ekonomica Sharia: Jurnal Pemikiran Dan Pengembangan Ekonomi Syariah* 4, no. 2 (2019): 43-50.

⁸ Waridatul Abror and Shofiyun Nahidloh, "Praktik Sistem Paroan Pada Petani Bawang Merah dalam Perspektif Fiqh Muamalah di Desa Dempo Timur Kecamatan Pasean Kabupaten Pamekasan," *Kaffa: Jurnal Fakultas Keislaman* 1, no. 1 (2022), <https://journal.trunojoyo.ac.id/kaffa/article/view/16067>.

⁹ Sri Ayudia Permata, Romi Adetio Setiawan, and Esti Alfiah, "Implementasi Sistem Paroan (Bagi Hasil) Pada Perkebunan Karet dalam Perspektif Ekonomi Islam," *Management Studies and Entrepreneurship Journal* 4, no. 6 (2023): 9179-9191.

Mudharabah Agreements in Sugarcane Agricultural Partnerships" which discusses the characteristics of the sugarcane agricultural production sharing system by combining mukhabarah and mudharabah agreements which have a fair value for the parties.¹⁰ Fifth, research conducted by M.jauhari and Milani Agustin with the title "Mukhabarah System for Land Cultivator with Corn Plantation Land Owner in Kotaway Village, Buay Pemaca District, South Oku Regency" which examines the implementation of the mukhabarah contract profit sharing system on the economy of corn farmers which is undertaken verbally. Based on several previous studies, a difference can be found with this research, namely that it lies in the research focus which refers to the paroan agreement system in the Mangar community by exploring the values of justice contained therein, and linking it with sharia contracts in the agricultural sector, such as mukharabah and muzara'ah contracts.

Research Methods

This research used empirical legal research methods that examine law as real behavior or social phenomena that were unwritten, and were experienced by citizens.¹¹ The approach used in this research was a legal anthropology approach. This approach used to examine the rules that were generally implemented in society. It was also perceived as guidelines for society as it should be.¹² This research tried to emphasize the system of agreements for partial agricultural products of the Mangar community, Pancor Village, Gayam District, Sumenep Regency. Thus, the form and implementation, as well as the value of justice, in agricultural land processing agreements can be known. This approach focused more on the setting and related parties, to know and understand the realities that occur in the field experienced by legal subjects.

This research was conducted in Mangar Hamlet, Pancor Village, Gayam District, Sumenep Regency. This location was chosen because of the agricultural land agreements problem did not only occur in Mangar Hamlet, Pancor Village, but even in the Regency and district areas was the problem regarding production sharing agreements was also the same. Furthermore, regarding data collection techniques, it was carried out through several methods, such as: observation, interviews, and documentation.

Results and Discussion

Form of Paroan Agreement for Mangar Community

Agreement as regulated by Article 1313 of the Civil Code which stated: "Agreement is an act by which one or more people bind themselves to one or more other people."¹³ According to Kartini Muldjadi & Gunawan Widjaja, an agreement was defined as a source of engagement, which was created by one or more parties to the agreement.¹⁴ Another definition of an agreement is an act by which one or more people bind themselves to one or more other people.¹⁵

The establishment of a legal relationship in the form of a binding agreement between one person and another, in terms of form, was divided into two types, which was verbal and

¹⁰ Auliya Safira Putri, Dyah Ochtorina Susanti, and Rahmadi Indra Tektana, "Karakteristik Akad Mukhabarah bil Mudharabah Pada Kemitraan Pertanian Tebu," *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 12, no. 2 (July 29, 2023): 347.

¹¹ Nur Solikin, *Pengantar Metodologi Penelitian Hukum* (Pasuruan: Penerbit Qiara Media, 2021), 69.

¹² Nur Solikin, *Pengantar Metodologi Penelitian Hukum* (Pasuruan: Penerbit Qiara Media, 2021), 69.

¹³ Subekti Subekti and R. Tjitrosudibio, *Kitab Undang-Undang Hukum Perdata* (Jakarta: Pradnya Paramita, 2009), 339.

¹⁴ Subekti Subekti and R. Tjitrosudibio, *Kitab Undang-Undang Hukum Perdata* (Jakarta: Pradnya Paramita, 2009), 339.

¹⁵ Salim H.S., *Hukum Kontrak: Teori Dan Teknik Penyusunan Kontrak* (Jakarta: Sinar Grafika, 2021), 8.

oral.¹⁶ A written agreement is an agreement made by the parties in written form, while an oral agreement is an agreement made by the parties in oral form, such words in the form of an agreement between the parties.¹⁷ Oral agreements are generally implemented only by using a statement or words by the parties.¹⁸

The Paroan agreement entered into by the Mangar community was an agreement regarding the management of agricultural land. Concerning the paroan agreement that the Mangar people have put into effect, it was a contract in the field of agriculture in which the landowner made a deal with the sharecropper to allow the farmer to manage the land in order to generate income for both of them based on their mutual promises to each other. Masdura, a Mangar Hamlet resident, claimed that nothing in the process has ever been put in writing, and that the Paroan agreement that the Mangar community implemented was done so orally. Regarding implementation, cultivating farmers visit the landowner's home with proposals for managing agricultural land through the paroan method until a compromise is achieved. Based on this, the community can carry out its activities well in the agricultural sector.¹⁹

The paroan system is a form of profit sharing in agricultural land management between land owners and land managers. The results of the agricultural harvest will be shared between the land owner and the manager, which in Islamic law is known as muzara'ah and mukhabarah. Muzara'ah is a cooperative agreement regarding the management of agricultural land or plantations carried out between the land owner and the cultivator with a profit sharing system according to the agreement of both parties.²⁰ Furthermore, the mukhabarah contract has almost the same meaning as muzara'ah. However, there is a slight difference which lies in the provision of plant seeds, such in cooperation based on muzara'ah, the plant seeds come from the land owner. As for mukhabarah, the plant seeds come from the cultivator.²¹ In this regard, the paroan agreement in Mangar Hamlet is actually almost the same as the muzara'ah and mukhabarah agreement in Islamic law. It is only different in the terms of reference.

Based on investigations carried out by researchers regarding the Paroan agreement in Mangar Hamlet, Ahyari explained that the agreement had been implemented orally since the previous generation. This means that it has been carried out from generation to generation by the people of Mangar village based on the principle of trust between one another. It means that the main principle in the social system of the Manggar community really prioritizes the principle of trust which is the price or measure of a person's quality whether that person can be trusted or not. This can be seen from the perspective when he carries out the agreement that has been implemented between both parties, both the sharecroppers and the agricultural land voters, and this is still well maintained to this day.

Ahyari also said that, this paroan system can actually be equated with a profit sharing system which is actually an implementation of the profit sharing system known in muamalah jurisprudence, as previously mentioned, namely the muzara'ah and mukhabarah contracts, which are already familiar in the community. However, in the Manggar community these terms are simplified into their own language, namely Paroan, which means profit sharing in

¹⁶ Salim H.S., *Hukum Kontrak: Teori Dan Teknik Penyusunan Kontrak* (Jakarta: Sinar Grafika, 2021), 8.

¹⁷ Jessica Esther Warouw, Dientje Rumimpunu, and Yumi Simbala, "Pembuktian Perjanjian Tidak Tertulis di Hadapan Pengadilan ditinjau dari Kitab Undang-Undang Hukum Perdata dan *Rechtreglement Voor De Butengewesten*," *Lex Privatum* 9, no. 10 (2021): 104–112.

¹⁸ Agus Vijayantera, "Kajian Hukum Perdata Terhadap Penggunaan Perjanjian Tidak Tertulis dalam Kegiatan Bisnis," 118.

¹⁹ Masdura, Masyarakat Dusun Mangar Desa Pancor (Wawancara: 3 Agustus 2020, jam 11.30 siang).

²⁰ Shania Verra Nita, "Kajian Muzara'ah dan MUSAQAH (Hukum Bagi Hasil Pertanian dalam Islam) The Muzara'ah dan MUSAQAH Study (Agricultural Production Sharing Law in Islam)," *Qawānīn Journal of Economic Syariah Law* 4, no. 2 (2020): 236–249.

²¹ Mardani Mardani, *Fiqh Ekonomi Syariah* (Jakarta: Kencana, 2016), 97.

Madurese. Moreover, this agreement is also found in other areas, where some call it *paroan sawah*, *paduon*, or *patigon*.

Implementation of *Paroan* Agreement from Mangar Community

The implementation of the *Paroan* agreement was motivated by the large number of people who do not own agricultural land. For land owners, based on the principle of mutual help, it provides opportunities for some people who do not own land to work on the land. Thus, there are no dominating elements. The principle of self-help in Islam is called *at-ta'awun*. It means that helping in virtue to help others²² which is as in Surah al-Maidah verse (2):

"...and please help you in virtue and piety, and do not help in committing sins..."

Based on this, it is related to the background that the implementation of the *Paroan* agreement by the Mangar community is in accordance with the principles of *at-ta'awun* in Islam. Furthermore, regarding the implementation of this *paroan* agreement, it usually begins with interaction between the community, which is often carried out in prayer rooms or mosques. As according to Masdura²³:

*"After returning from praying in the prayer room or at the mosque, people usually come from neighboring houses or have a friendly gathering. As usual, the farmers offer land ducks to come to their house from visiting so that an agreement is reached in this *paroan* agreement. One of them discusses things that need to be done (rights and obligations) by both parties. After an agreement is reached, this agreement will then be implemented."*

Masdura also explains regarding the implementation of this partial agreement that:

"Mangar Village, which is one of the rainy rice areas, starts clearing the land or land that will be cultivated when the dry season come up in the southeast. Apart from that, cow pens are usually also moved to that place if the cultivator has livestock. Livestock pens are moved from one to another because cow dung can be used as natural fertilizer for plants."

After the cleaning process, the planting system begins during the rainy season. According to Nawan, there are two things that the community does which are: first, the farmers who own the land only provide the land, while the seeds and management are left completely to the cultivators. Second, the land provider will also plant the seeds, so that the cultivator only provides his energy and expertise to carry out land maintenance. This in *muamalah fiqh* is related to *mukhabarah* and *muza'raah* contracts. Both of which are cooperation in the agricultural sector. If the plant seeds come from the land owner, it is called a *muzara'ah* contract in *muamalah fiqh*, whereas if the plant seeds come from the cultivator, it is called a contract

²² Setiya Afandi, "Prinsip Ta'awun dan Implementasinya di Lembaga Asuransi Syariah," *Madani Syari'ah* 5, no. 2 (2022): 137.

²³ Masdura, Masyarakat Dusun Mangar Desa Pancor, (Wawancara 3 Agustus 2020, jam 11.30 siang).

mukhabarah.²⁴ In connection with the implementation of this paroan agreement, according to Nawan, most of the plant seeds come from the cultivator. Hence, the land owner only hands over the land to be cultivated.²⁵ In relation to muamalah jurisprudence, the paroan agreement in Mangar Village is more inclined towards a mukhabarah agreement, although there are also a small number of land owners who provide plant seeds (muzara'ah).

Regarding this matter, the implementation of mukhabarah and muzara'ah contracts by land owners and land managers is conducted within a certain period of time, seasonally (according to the crop season) based on the agreement of both parties.²⁶ In regard to the Mangar community's paroan agreement, the period for cultivating their land is not limited to just one season. This depends on the agreement between the parties. There are also those who implement paroan agreement for several seasons. When the planting period arrives, the management usually plows the agricultural land independently. Sometimes this is also done by inviting communities that are members. For instance, this community consists of 5 (five) people, then if today you plow the rice fields at the place of one of the community members, in turn, the next day you move to plow the fields at other members' place. This is conducted continuously, which is done with a system of cooperation and mutual support for one another, as a form of solidarity between one another.²⁷

In Suha's opinion, cooperation in cultivating land using a mutual help system is to reduce the costs incurred in plowing the land, which in Madurese terms is called "nanggele". Thus, mutual benefits can be obtained which are shared between the parties with this mutual help system and fairly low costs. Hence, the main key in this case is the attitude of mutual help that exists in society. Strong solidarity in society will improve the quality of society, including in the agricultural sector. On the other hand, if solidarity is low and people act individually, this will also weaken the system in that society.

Furthermore, according to Misda, he believes that the implementation of this paroan agreement system is expected to help the community. So that farmers do not need to leave the area to make a living, because in this process there is a value of respect for others, that there will be no progress in the economic sector if there is no cooperation between all parties. In the process of plant care, according to Aisyah, it is also carried out in rotation in a community. In terms of providing plant fertilizer, it is usually more the responsibility of the cultivator, but there are also a small number who charge fertilizer costs to the landowner. This will then have an impact on the amount of profit sharing between the parties.²⁸ In the process of plant care, according to Aisyah, it is also carried out in rotation in a community. In terms of providing plant fertilizer, it is usually more the responsibility of the cultivator, but

²⁴ Rachmat Sugeng, Dede Rohmana, and Nurviyanti Andang, "Sistem Bagi Hasil Akad Muzara'ah pada Masyarakat Petani Penggarap dan Pemilik Lahan di Kel. Batupapan, Kec. Makale, Kab. Tana Toraja," *Indonesian Journal of Business Analytics* 1, no. 2 (2021): 211–226.

²⁵ Rachmat Sugeng, Dede Rohmana, and Nurviyanti Andang, "Sistem Bagi Hasil Akad Muzara'ah pada Masyarakat Petani Penggarap dan Pemilik Lahan di Kel. Batupapan, Kec. Makale, Kab. Tana Toraja," *Indonesian Journal of Business Analytics* 1, no. 2 (2021): 211–226.

²⁶ Putri, Susanti, and Tektana, "Karakteristik Akad Mukhabarah bil Mudharabah Pada Kemitraan Pertanian Tebu," 352.

²⁷ Sutaja, Masyarakat Dusun Mangar Desa Pancor, (Wawancara: 3 Agustus 2020, jam 16.00 sore).

²⁸ Misda, Petani Dusun Mangar Desa Pancor, (Wawancara: 4 Agustus 2020, jam 13.00 sore).

there are also a small number who charge fertilizer costs to the landowner. This will then have an impact on the amount of profit sharing between the parties.²⁹

The division of agricultural products is done by calculating the amount of expenditure that has been done before so that the net result of profit is obtained. Usually the mangar community divides the profit with a profit sharing ratio of 2: 1, for example, such as two bags of crops for the landowner and one bag of crops for the cultivator. This is considered fair by the mangar community. Conversely, if there are things that are deemed unfair, a joint settlement will be made in the form of deliberation between the parties involved. When this method cannot solve the problem, it will then involve local community leaders. The involvement of community leaders is usually rare, because problems can more often be resolved through *musyawarah* to obtain a win win solution.³⁰ When the researcher went to the field and tried to see the process of implementing this parcel agreement directly with Nawawi as the cultivator and *Rihaya* as the owner of the agricultural land, it was known that there was a fair process and if there was something that needed to be discussed, it would be communicated between the two of them to obtain a mutual agreement.

The Form of the Principle of Justice in the *Paroan* Agreement of Mangar Community

Justice is a concept that is so important in human life. The word fair comes from the Arabic word *al-'adl* which means *al-istiwa* (straight state) and can also be interpreted as fair, honest, balanced, equal, appropriate, simple and moderate.³¹ Justice can also be defined as equal treatment under the law, equal rights and balance in all aspects of life.³² With regard to this, in Islam all laws and rules are enacted to realize social justice in society.³³ Justice is the goal, while law is only a tool to achieve that goal. The concept or even the value of justice is often influenced by the element of human subjectivity, this causes justice to sometimes only be felt by certain parties. Something that is perceived as fair by one person may not necessarily be perceived by other people or certain groups.³⁴

Rasuanto mentioned that the deontological view places justice as the highest primary value, or what is commonly referred to as the primary of justice.³⁵ According to Rawls in Rasuanto, the primary of justice means that justice is not one of the main principles among other main principles, but rather a top priority, as well as must be seen as the first institution that sets the standards by which the distributive aspects of the structure of society are assessed.³⁶ Rawls calls his perspective on the principle of justice as fairness, which is a criticism of utilitarianism. Rawls formulates two principles of justice, namely: The first principle is that everyone should have the same rights as everyone else, and the second principle is that social and economic

²⁹ Aisyah, Petani Dusun Mangar Desa Pancor, (Wawancara: 3 Agustus 2020, jam 14.00 sore).

³⁰ Ahyari, Usdtaz di Dusun Mangar Desa Pancor, (Wawancara: 3 Agustus 2020, jam 08.00 pagi).

³¹ Harisah Harisah and Moh. Arifkan, "Konsep Islam Tentang Keadilan Dalam Muamalah," *Syar'ie: Jurnal Pemikiran Ekonomi Islam* 3, no. 2 (n.d.): 174.

³² Ibid.

³³ Ulfi Putra Sany, "Prinsip-Prinsip Pemberdayaan Masyarakat Dalam Perspektif Al Qur'an," *Jurnal Ilmu Dakwah* 39, no. 1 (October 24, 2019): 41.

³⁴ Agus Romdlon Saputra, "Konsep Keadilan Menurut Al-Qur'an Dan Para Filosof," *Jurnal Dialogia* 10, no. 2 (2012): 185-200.

³⁵ Bur Rasuanto, *Keadilan Sosial: Pandangan Deontologis Rawls Dan Habermas Dua Teori Filsafat Politik Modern* (Jakarta: Gramedia Pustaka Utama, 2005), 20.

³⁶ Ibid. hal 20

inequalities should be organized in such a way that they are expected to benefit everyone and all positions and offices are open to everyone.³⁷ This suggests that freedom and equality should not be sacrificed for social or economic benefits, no matter how great the benefits may be.

Relatedly, justice is also the most important thing in an agricultural cooperation in the community. As also said by Rawls in building the theory of justice as fairness which refers to social contract theory, so that it can produce principles of justice through an agreement that determines rights and obligations as well as a fair distribution of profits.³⁸ In connection with the Mangar community's agricultural land parcel agreement, according to As'ad Arif, it contains a meaning of justice. For the Mangar community, land is something valuable and is passed down from generation to generation, while for some other people who do not have land, they need a medium or land to do work so that they can fulfill their needs. Through this system, people who do not own land can channel their energy and expertise to cultivate the land. This is what then according to As'ad Arif contains justice by complementing each other.³⁹

In line with As'ad Arif's opinion, according to Ahyari, who views that the involvement of components of society who do not own land to participate in working on agricultural land, is actually a justice based on economics, where parties who do not own land are given the same opportunity to be able to obtain welfare. This is one of the manifestations of justice in this parental agreement system.⁴⁰ The meaning of justice in this parcel agreement is in line with John Rawls' theory of justice which formulates two principles of justice.

The first principle is that everyone should have the same rights as everyone else, while the second principle is that social and economic inequalities should be organized in such a way that they are expected to benefit everyone and all positions and offices are open to everyone.⁴¹ Through the opportunity to cultivate agricultural land for people who do not own land, it means that equal opportunities and opportunities are opened to obtain benefits and welfare for the community, Ahyari also explained that the virtue of this paroan agreement can be seen from the respect for the parties, one of which is honesty between the parties based on muamalah fiqh.

Furthermore, according to Suha, justice in this paroan system lies in the distribution of the rights and obligations of the parties during the negotiations until an agreement is reached. So that there is no one party who feels superior to the other party. This means that there is an element of balance between the two parties. The practice in the Manggar community itself is usually also carried out by having coffee and eating together with the parties involved. In addition, there is also respect for each party in the implementation of this agreement.⁴² In this regard, the balance in the mangar community parcel agreement is very visible with the basis of mutual need and complementarity between the landowner and the manager. This is in line with the provisions of proportional fairness in Islamic law, that fairness is not always interpreted as equal rights, but these rights are also adjusted to the size of each

³⁷ John Rawls, *Teori Keadilan: Dasar-Dasar Filsafat Politik untuk Mewujudkan Kesejahteraan Sosial dalam Negara*, Terjemahan oleh Uzair Fauzan dan Heru Prasetyo (Yogyakarta: Pustaka Pelajar, 2011), 33.

³⁸ Hudiman Waruwu and Minggus Minarto Pranoto, "Kolaborasi Teori Keadilan John Rawls dan Diakonia Transformatif Josef Purnama Widyatmadja untuk Komunitas yang Memperjuangkan Keadilan," *Jurnal Abdiel: Khazanah Pemikiran Teologi, Pendidikan Agama Kristen, dan Musik Gereja* 4, no. 1 (May 17, 2020): 3.

³⁹ As'ad Arif, Ustadz Dusun Mangar Desa Pancor, (Wawancara: 3 Agustus 2020, jam 09.00 pagi).

⁴⁰ Ahyari, Ustadz Dusun Mangar Desa Pancor, (Wawancara: 3 Agustus 2020, jam 08.00 pagi).

⁴¹ Rawls, *Teori Keadilan: Dasar-Dasar Filsafat Politik untuk Mewujudkan Kesejahteraan Sosial dalam Negara*, 33.

⁴² Suha, Masyarakat Petani Dusun Mangar Desa Pancor, (Wawancara: 4 Agustus 2020, jam 10.00 pagi).

individual or proportional, both in terms of the level of need, ability, sacrifice, responsibility, or contribution made by someone.⁴³

The form of justice in the implementation of the *paroan* agreement, according to As'ad Arif, lies in the position of its implementation where the operations that have been incurred by the cultivator are assessed first before then sharing the profits with the landowner. Referring to this, there is justice in the real profit that occurs on the farm. This is because the entire gross income is reduced first by the operational costs that have been incurred by the cultivator. Further justice can also be assessed when the harvesting process is not appropriate, so there is the principle of transparency and mutual understanding between the two parties. So that any losses are not only charged to one party but are borne by both parties based on mutual agreement.⁴⁴

According to Masdura, the distribution of profits is also done fairly by involving all components between the cultivator and the landowner. Related to this, Masdura explained that:

*"Usually, after the harvest is obtained, the division of the harvest is done through joint congos involving the community. After the results are known, the division is done fairly by taking into account the contribution of each party."*⁴⁵

In the case of a 2:1 profit-sharing arrangement, the landowner is usually in a higher position because the land is the main capital in managing the farm. However, if the amount of the division is not agreed upon by the parties, the parties can discuss to reach the desired mutual agreement. So that maximum profit can be obtained by taking into account each party.

After the harvest, the Mangar community usually holds a communal gathering. This *selamatan* event is usually held twice, the first is when the plants begin to show their development, for example if the corn plants have begun to show fruit and elongated corn hair. This event is usually referred to as *selamatan "ajeruk"*, this is carried out as a form of thanksgiving and prayer so that the plants can grow well and produce a bountiful harvest. Then the second *selamatan* is done post-harvest. Usually they slaughter a chicken, inviting the parties involved in the *paroan* agreement. This celebration with a meal together is a form of gratitude for the harvest that has been obtained. Usually this is also done by giving food to the neighbors after the prayer together. This is also a form of social appreciation to the parties involved in the *paroan* agreement in the agricultural sector.

Conclusion

Based on the description of the research discussion in the previous chapter, conclusions can be obtained, namely: (1) The form of *paroan* agreement implemented by the Mangar community in Pancor Village, Gayam Regency is an oral agreement. This form of parental agreement is carried out orally because there has been high trust among the people of Mangar Hamlet, so that even though there is no written evidence, there is no concern about the emergence of broken promises or defaults on agreements between landowners and agricultural land managers in Mangar Hamlet. (2) The implementation of the *paroan* agreement begins with an agreement

⁴³ P3EI Universitas Islam Indonesia Yogyakarta, *Ekonomi Islam* (Jakarta: Raja Grafindo Persada, 2008), 61.

⁴⁴ As'ad Arif, Ustadz Dusun Mangar Desa Pancor, (Wawancara: 3 Agustus 2020, jam 09.00 pagi).

⁴⁵ Masdura, Masyarakat Dusun Mangar Desa Pancor, (Wawancara: 3 Agustus 2020, jam 11.30 siang).

between the two parties, namely the landowner and the manager. After the agreement, the land is cleared and the cattle are moved by the manager, followed by planting activities, plant maintenance, and harvesting. (3) The meaning of justice in the mangar community's paroan agreement can be seen from several aspects. First, as a form of complementarity between landowners and farmers who do not own land so that they have the same opportunity to help each other and gain prosperity. Second, there is a balance in the position of landowners and tenant farmers where no one is favored or feels underestimated, in this case including the rights and obligations of the parties. Third, there is respect for each party in its implementation based on the principle of mutual need. Fourth, there is justice in the distribution of profits, where the harvest before being divided will be reduced based on the operational costs that have been incurred by the cultivator and then the net profit from the harvest will be divided between the two parties according to the agreement that has been mutually agreed upon.

References

- H.S., Salim. *Hukum Kontrak: Teori Dan Teknik Penyusunan Kontrak*. Jakarta: Sinar Grafika, 2021.
- Mardani, Mardani. *Fiqh Ekonomi Syariah*. Jakarta: Kencana, 2016.
- Muhaimin, Muhaimin. *Metode Penelitian Hukum*. Mataram: Mataram University Press, 2020.
- Muljadi, Kartini, and Gunawan Widjaja. *Perikatan yang Lahir dari Perjanjian*. Jakarta: Raja Grafindo Persada, 2008.
- Prodjodikoro, Wiryono. *Hukum Perdata Tentang Persetujuan-Persetujuan Tertentu*. Bandung: Sumur, 1981.
- Rasunto, Bur. *Keadilan Sosial: Pandangan Deontologis Rawls Dan Habermas Dua Teori Filsafat Politik Modern*. Jakarta: Gramedia Pustaka Utama, 2005.
- Rawls, John. *Teori Keadilan: Dasar-Dasar Filsafat Politik untuk Mewujudkan Kesejahteraan Sosial dalam Negara*. Terjemahan oleh Uzair Fauzan dan Heru Prasetyo. Yogyakarta: Pustaka Pelajar, 2011.
- Rozalinda. *Fikih Ekonomi Syariah: Prinsip dan Implementasinya pada Sektor Keuangan Syariah*. Jakarta: Rajawali Pers, 2016.
- Solikin, Nur. *Pengantar Metodologi Penelitian Hukum*. Pasuruan: Penerbit Qiara Media, 2021.
- Subekti, R. *Pokok-Pokok Hukum Perdata*. Jakarta: Intermasa, 1991.
- Subekti, Subekti, and R. Tjitrosudibio. *Kitab Undang-Undang Hukum Perdata*. Jakarta: Pradnya Paramita, 2009.
- Susanto, Jusuf. *Revitalisasi Pertanian Dan Dialog Peradaban*. Jakarta: Kompas, 2006.
- Universitas Islam Indonesia Yogyakarta, P3EI. *Ekonomi Islam*. Jakarta: Raja Grafindo Persada, 2008.
- Abror, Waridatul, and Shofiyun Nahidloh. "Praktik Sistem Paroan Pada Petani Bawang Merah dalam Perspektif Fiqh Muamalah di Desa Dempo Timur Kecamatan Pasean

- Kabupaten Pamekasan.” *Kaffa: Jurnal Fakultas Keislaman* 1, no. 1 (2022). <https://journal.trunojoyo.ac.id/kaffa/article/view/16067>.
- Afandi, Setiya. “Prinsip Ta’awun dan Implementasinya di Lembaga Asuransi Syariah.” *Madani Syari’ah* 5, no. 2 (2022): 132–140.
- Agus Vijayantera, I Wayan. “Kajian Hukum Perdata Terhadap Penggunaan Perjanjian Tidak Tertulis dalam Kegiatan Bisnis.” *Jurnal Komunikasi Hukum (JKH)* 6, no. 1 (February 15, 2020): 115.
- Budianto Budianto, and Umar Ma’ruf. “Kehadiran Saksi Pada Saat Transaksi Jual Beli Tanah Dihadapan Pejabat Pembuat Akta Tanah (PPAT) Dalam Hubungannya Dengan Peraturan Pemerintah Republik Indonesia Nomor 37 Tahun 1998 Tentang Peraturan Jabatan Pejabat Pembuat Akta Tanah Di Kabupaten Kubu Raya.” *Jurnal Akta* 4, no. 4 (2017): 689–98.
- Harisah, Harisah, and Moh. Arifkan. “Konsep Islam Tentang Keadilan Dalam Muamalah.” *Syar’ie : Jurnal Pemikiran Ekonomi Islam* 3, no. 2 (n.d.): 172–185.
- Haryati, Dina. “Pengaruh Sistem Bagi Hasil Terhadap Kesejahteraan Masyarakat Petani Kebun Karet (Studi Kasus di Desa Galang Tinggi Kecamatan Banyuasin III).” *Ekonomica Sharia: Jurnal Pemikiran Dan Pengembangan Ekonomi Syariah* 4, no. 2 (2019): 43–50.
- Nita, Shania Verra. “Kajian Muzara’ah dan Musaqah (Hukum Bagi Hasil Pertanian dalam Islam) The Muzara’ah dan Musaqah Study (Agricultural Production Sharing Law in Islam).” *Qawānīn Journal of Economic Syaria Law* 4, no. 2 (2020): 236–249.
- Permata, Sri Ayudia, Romi Adetio Setiawan, and Esti Alfiah. “Implementasi Sistem Paroan (Bagi Hasil) Pada Perkebunan Karet dalam Perspektif Ekonomi Islam.” *Management Studies and Entrepreneurship Journal* 4, no. 6 (2023): 9179–9191.
- Putri, Auliya Safira, Dyah Ochtorina Susanti, and Rahmadi Indra Tektona. “Karakteristik Akad Mukhabarah bil Mudharabah Pada Kemitraan Pertanian Tebu.” *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 12, no. 2 (July 29, 2023): 347.
- Rawls, John. *Teori Keadilan: Dasar-Dasar Filsafat Politik untuk Mewujudkan Kesejahteraan Sosial dalam Negara*. Terjemahan oleh Uzair Fauzan dan Heru Prasetyo. Yogyakarta: Pustaka Pelajar, 2011.
- Sany, Ulfi Putra. “Prinsip-Prinsip Pemberdayaan Masyarakat Dalam Perspektif Al Qur’an.” *Jurnal Ilmu Dakwah* 39, no. 1 (October 24, 2019): 32.
- Saputra, Agus Romdlon. “Konsep Keadilan Menurut Al-Qur’an Dan Para Filosof.” *Jurnal Dialogia* 10, no. 2 (2012): 185–200.
- Sugeng, Rachmat, Dede Rohmana, and Nurviyanti Andang. “Sistem Bagi Hasil Akad Muzara’ah pada Masyarakat Petani Penggarap dan Pemilik Lahan di Kel. Batupapan, Kec. Makale, Kab. Tana Toraja.” *Indonesian Journal of Business Analytics* 1, no. 2 (2021): 211–226.
- Wardani, Dias Rizqi, and Siti Inayatul Faizah. “Kesejahteraan Petani Penggarap Sawah Pada Penerapan Akad Muzara’ah dengan Pendekatan Maqashid Syari’ah di Tulungagung.” *Jurnal Ekonomi Syariah Teori dan Terapan* 6, no. 7 (January 17, 2020): 1450–1461.

Warouw, Jessica Esther, Dientje Rumimpunu, and Yumi Simbala. "Pembuktian Perjanjian Tidak Tertulis di Hadapan Pengadilan ditinjau dari Kitab Undang-Undang Hukum Perdata dan *Rechtreglement Voor De Butengewesten*." *Lex Privatum* 9, no. 10 (2021): 104–112.

Waruwu, Hudiman, and Minggu Minarto Pranoto. "Kolaborasi Teori Keadilan John Rawls dan Diakonia Transformatif Josef Purnama Widyatmadja untuk Komunitas yang Memperjuangkan Keadilan." *Jurnal Abdiel: Khazanah Pemikiran Teologi, Pendidikan Agama Kristen, dan Musik Gereja* 4, no. 1 (May 17, 2020): 1–24.

Wijayanti, Ni Luh Putu Eka. "Keabsahan Sebuah Perjanjian Berdasarkan Dari Kitab Undang-Undang Hukum Perdata." *Bagian Hukum Bisnis Fakultas Hukum Universitas Udayana*, no. 1 (2019): 1–5.

Kitab Undang-Undang Hukum Perdata.

Undang-Undang Nomor 2 Tahun 1960 tentang Perjanjian Bagi Hasil.

Wawancara dengan As'ad Arif di Dusun Mangar Desa Pancor pada tanggal 3 Agustus 2020, jam 09.00 pagi.

Wawancara dengan Ahyari di Dusun Mangar Desa Pancor pada tanggal 3 Agustus 2020, jam 10.00 pagi.

Wawancara dengan Masdura di Dusun Mangar Desa Pancor pada tanggal 3 Agustus 2020, jam 11.30 siang.

Wawancara dengan Nawan di Dusun Mangar Desa Pancor pada tanggal 3 Agustus 2020, jam 15.00 sore.

Wawancara dengan Sutaja di Dusun Mangar Desa Pancor pada tanggal 3 Agustus 2020, jam 16.00 sore.

Wawancara dengan Aisyah di Dusun Mangar Desa Pancor pada tanggal 3 Agustus 2020, jam 14.00 siang.

Wawancara dengan Suha di Dusun Mangar Desa Pancor pada tanggal 4 Agustus 2020, jam 10.00 pagi.

Wawancara dengan Misda di Dusun Mangar Desa Pancor pada tanggal 4 Agustus 2020, jam 13.00 siang.